

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**CALIFORNIA COALITION FOR WOMEN
 PRISONERS, ET AL.,**

Plaintiffs,

v.

**UNITED STATES OF AMERICA BUREAU OF
 PRISONS, ET AL.,**

Defendants.

Case No.: 4:23-cv-4155-YGR

**ORDER NO. 7 RE: CONTINUED GUIDANCE
 CONCERNING FCI DUBLIN AICs;**

SETTING CASE MANAGEMENT CONFERENCE

TO: THE BUREAU OF PRISONS, ITS COUNSEL, AND PLAINTIFFS' COUNSEL:

The Court takes this opportunity to (i) provide guidance regarding the Bureau of Prisons' ("BOP") compliance with previously issued orders; (ii) clarify the scope of medical and mental health "nexus" cases, and (iii) address new issues of which the Court has become aware through its ongoing communications with the parties and Monitor.

I. GUIDANCE REGARDING PRIOR COURT ORDERS

The Court **ORDERS** the BOP to take the follow up steps identified below to complete compliance with earlier-entered orders relative to the well-being of adults in custody ("AICs") previously located at FCI Dublin.

A. Compassionate Release Requests

The Court previously ordered the BOP to provide an update regarding any compassionate release requests pending action by the Office of the General Counsel ("OGC") and outlining the timeline for their processing. (Dkt. No. 341 at 2:11–13.) To ensure compliance, the Court hereby sets a deadline of Friday, August 30, 2024 for the submission of such update.

B. Disciplinary Due Process Violations

The Court previously provided detailed instructions to the BOP regarding the review of FCI Dublin AICs' disciplinary records. (*Id.* at 2:15–3:13.) To ensure compliance, the Court sets a deadline of Monday, August 19, 2024 for the BOP to commence case reviews for each FCI Dublin AIC who

1 has had a disciplinary expunged by the Western Regional Hearing Administrator. As previously
2 ordered, AIC classification level reviews shall be prioritized based on AICs' current projected release
3 dates. The reviews shall: (i) determine if there is any change to the AICs' release dates; and (ii)
4 identify any administrative and disciplinary time spent in the Security Housing Unit ("SHU") that was
5 associated with an expunged disciplinary. The FCI Dublin AIC Master Roster shall also be updated to
6 indicate the case review and SHU detention time information.

7 II. MEDICAL AND MENTALH HEALTH NEXUS CASES

8 In response to an outstanding question from BOP counsel, the Court clarifies that a medical
9 or mental health issue has a "nexus"¹ to FCI Dublin where the issue (i) was first raised, identified,
10 or documented at FCI Dublin (whether by the AIC themselves, the then-Special Master, and/or a
11 member of her team); or (ii) where, based on a review of a more recently filed grievance or
12 complaint, the Monitor and/or a member of her team determine the issue is directly tied to the
13 AIC's experiences at FCI Dublin. If there is disagreement as to whether a particular grievance or
14 complaint constitutes a "nexus" case, the BOP may bring a motion to have the matter excluded
15 from the list of nexus cases.

16 III. DIRECTION REGARDING NEW ISSUES

17 The Court determines additional steps are necessary to address the constitutional injuries
18 alleged by class members and that formed the bases upon which the Court granted in part their
19 request for preliminary injunctive relief. The Court therefore **ORDERS** the BOP to take the
20 following steps relative to the FCI Dublin AICs:

21 A. Prison Rape Elimination Act

22 The BOP shall provide a written update to the Court, Monitor, and Class Counsel on the status
23 of each FCI Dublin AIC Prison Rape Elimination Act complaint and/or investigation identified on the
24 Master Roster by Friday, September 13, 2024. The Monitor shall conduct follow up case conferences
25 with the designated BOP representative for questions associated with the investigations or status of the
26 complaints.

27
28 ¹ See Dkt. No. 341 at 1:22–2:4.

1 B. AICs' Property

2 The BOP shall provide a written update to the Court, Monitor, and Class Counsel by no
3 later than Friday, September 13, 2024, on each property loss complaint filed with the BOP Western
4 Regional Office by FCI Dublin AICs in connection with the closure of the facility. The report shall
5 list, by AIC, the loss, estimated cost, and BOP's proposed settlement and outcome, as well as the
6 status of each claim. This report shall be updated monthly.

7 C. Staffing Reports

8 The Court previously ordered the BOP to provide monthly staffing reports for the facilities
9 to which FCI Dublin AICs were transferred. (Dkt. No. 300 at 14:9–14.) The BOP shall add to the
10 staffing reports a column that calculates the percentage of vacancies by each staff classification
11 category, for each facility. Class Counsel shall also be added to the monthly distribution of the
12 reports beginning with the July 2024 data.

13 D. Transportation

14 The BOP is tracking complaints made by AICs arising out of transportation-related issues.
15 The BOP shall provide a written report to the Court, Monitor, and Class Counsel by no later than
16 Friday, September 13, 2024, that identifies each complaint, investigation results, as well as the
17 bases upon which the investigation outcome was based. The Monitor shall conduct follow-up
18 reviews with the BOP as she deems necessary.

19 E. Credit Loss Associated with the Closure of FCI Dublin and Transfers

20 The Court previously ordered that AICs shall not experience a credit loss based on the
21 closure of FCI Dublin and mandatory transfer of each AIC. The BOP shall provide a report to the
22 Court, Monitor, and Class Counsel by Friday, September 13, 2024, of any credit loss experienced
23 by AICs, the date the credit shall be restored, and the impact on each AIC's release date.

24 F. Institutional Referral for Community Correctional Center Placement Packets

25 The BOP's Western Regional Office updated FCI Dublin AICs' case information prior to their
26 departure from the facility. The case review included processing Institutional Referral for Community
27 Correctional Center ("IRCCC") placement packets to headquarters for review and appropriate action
28 for any AIC that met the BOP criteria. The BOP shall produce a report for each AIC that had an


1 IRCCC packet processed and/or pending prior to the AIC departing Dublin. The BOP shall also
2 provide a status update on the IRCCC placement packet and projected date for each eligible AIC.

3 * * *

4 Further, the Court **SETS** a case management conference for **Monday, September 9, 2024, at**
5 **2:00 p.m.** regarding preparations for and the scheduling of an evidentiary hearing regarding the
6 Special Master's Report and objections thereto. The Court previously ordered the parties to meet and
7 confer "regarding pre-hearing discovery, including identification and production of documents upon
8 which the Special Master relied in compiling her report." (Dkt. No. 336 at 8:8–10.) The parties shall
9 address this topic, as well as any others on which they seek guidance from the Court, in their joint case
10 management statement, which shall be filed at least seven days before the conference. *See* Standing
11 Order in Civil Cases at Section 6. Counsel are advised that the Court anticipates issuing an order on
12 defendants' pending motion to dismiss well in advance of the conference.

13 **IT IS SO ORDERED.**

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15 Date: August 13, 2024

16 
17 YVONNE GONZALEZ ROGERS
18 UNITED STATES DISTRICT COURT JUDGE
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